

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA)

v.)

CRIMINAL NO. 03-30008-MAP

JOSE MERCED, et al.)

Defendants.)

STATUS REPORT

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, hereby submits the following status report.

1. The superseding indictment returned on October 14, 2003, charges twenty-five defendants with conspiracy to possess with intent to distribute cocaine, cocaine base and heroin. Thus far, the following eight defendants have plead guilty:

- a. Jose Merced;
- b. Carlos Pizarro;
- c. Carlos Morales;
- d. Zenia Sanchez;
- e. Carlos O. Morales;
- f. Ana Gonzalez;
- g. Taiwan Jones; and
- h. David Gonzalez.

2. The following defendants have indicated that they intend to plead guilty:

- a. Tal Hosey;
- b. SirJeffory Smith;
- c. Christopher Ortega; and
- d. Jose I. Garcia.

The Court should schedule change-of plea hearings for these defendants.

3. The government sent proposed plea agreements, which were revised to reflect the U.S. Supreme Court's decision in United States v. Booker and United States v. Fanfan, ____ U.S. ____, 2005 WL 50108 (January 12, 2005), to the defendants listed below on February 2, 2005.

- a. Abraham Colon;
- b. Jose Diaz;
- c. Carmen Rodriguez; and
- d. Francisco Flores.

It is highly likely that Abraham Colon, Carmen Rodriguez and Francisco Flores will plead guilty. Jose Diaz has not yet indicated whether he intends to plead guilty.

4. The government has discussed potential pleas with Attorneys representing Sean Garcia, William Torres, and Manuel Colon. At this time, these defendants are not prepared to enter pleas.

5. The government anticipates that it will begin to prepare for trial in this case on or about July 25, 2005. The

government will take the position that any defendant who notifies the Court that he or she intends to plead guilty after August 1, 2005, will be entitled to receive a two level reduction for acceptance of responsibility rather than a three level reduction.

6. At this point, the following defendants are expected to go to trial:

- a. Daniel Almonte;
- b. Jacqueline Colon;
- c. Cirilo Delgado;
- d. Robert Martin;
- e. Pedro Delgado; and
- f. Charles Winston.

The government estimates that it will need six weeks to try this case. Some of the defendants will need Spanish interpreters.

7. There are no Speedy Trial Act issues. The following five defendants have not plead guilty and are incarcerated pending trial: Daniel Almonte, Cirilo Delgado, William Torres, Manuel Colon, and Robert Martin.

8. There are no outstanding discovery issues.


9. Jencks Act material. The government has made all pertinent grand jury testimony available for counsel's review at the United States Attorney's Office. The government will provide copies of all Jencks Act material on or before August 12, 2005.

10. Rule 404(b) and Motions in Limine. The government requests that the Court set a schedule for the filing of Rule 404(b) motions and motions in limine at least two weeks prior to trial.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

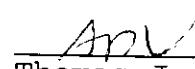
By:


Ariane D. Vuono
Thomas J. O'Connor, Jr.
Assistant U.S. Attorneys

CERTIFICATE OF SERVICE

Springfield, Massachusetts
June 24, 2005

I, Ariane D. Vuono, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing on the defendants by providing a copy, via facsimile, to counsel of record.


Thomas J. O'Connor, Jr.
Assistant U.S. Attorney